

Message

From: Shea, Valois [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A4217A71307D4429B7BDC7C80EB40C7D-SHEA, VALOIS]
Sent: 1/16/2018 4:48:39 PM
To: David Ganje [davidganje@ganjelaw.com]
Subject: RE: Dewey Burdock project

Perhaps it would be better to talk in person for me to understand the scope of your question. Are you asking if any Class V permits have been issued by any UIC program with analytical requirements to demonstrate the injectate is not radioactive or hazardous waste? Or if any Class V permits have been issued with requirements to analyze the injectate for a specific list of constituents?

If I am still not getting it, please give me a call. I am at my desk right now. (I'll reply to your next email now)
Thanks!

Valois

Valois Shea
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From: David Ganje [mailto:davidganje@ganjelaw.com]
Sent: Tuesday, January 16, 2018 9:38 AM
To: Shea, Valois <Shea.Valois@epa.gov>
Subject: RE: Dewey Burdock project

Thanks

I understand that SD does not have primary jurisdiction.
I also understand that the EPA has certain oversight jurisdiction even where states have primary jurisdiction.

My question, perhaps not well stated, is

Regarding the following type of condition/limitation on a Class V

permit: The injection of fluids with constituent concentrations above the hazardous waste or radioactive waste concentration limits is prohibited. The injectate shall meet the permit limits set in Part V, Section D.2.a, Table 16.

are there any other presently outstanding or previously issued Class V permits for which the EPA has primary or oversight jurisdiction in which this type of permit condition/limit has been issued?

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From: Shea, Valois [<mailto:Shea.Valois@epa.gov>]
Sent: Tuesday, January 16, 2018 9:16 AM
To: David Ganje <davidganje@ganjelaw.com>
Subject: RE: Dewey Burdock project

Hi David,

The deep injection wells at all the other ISR sites in the US are all permitted by the state UIC programs. These wells occur in Wyoming, Nebraska and Texas, where the EPA has delegated the portion of the UIC program regulating Class I wells to the state. South Dakota does not have primacy for the portion of the UIC program regulating Class I (and Class III and V wells), so the EPA directly implements that program in South Dakota. That is why the EPA is issuing the draft permits for Dewey-Burdock.

The other part of your question about the permit limits relates to the UIC well class for these Dewey-Burdock deep disposal wells. Because the wells at the Dewey-Burdock site propose injection above the Madison aquifer, they are Class V wells under UIC regulations. Class V wells cannot inject radioactive or hazardous waste, so that is why those permit limits are included in the draft Class V permit. The wells at the other ISR sites are Class I wells. Class I regulations do not require that permit limits be set for constituents in Class I injectate.

If you are interested in reviewing the state requirements for these Class I wells, I have included the web site links for WY, NE and TX DEQs:

WY: <http://deq.wyoming.gov/wqd/underground-injection-control/resources/class-i/>

NE: <http://deq.ne.gov/NDEQProg.nsf/OnWeb/UIC> (doesn't really include any requirement info, just mentions the one Class I well at the Crow Butte ISR site.)

TX: https://www.tceq.texas.gov/permitting/waste_permits/uic_permits/UIC_Guidance_Class_1.html

The state requirements must meet the minimum requirements in the EPA UIC regs. Here is the EPA website providing info about Class I requirements:

<https://www.epa.gov/uic/requirements-all-class-i-wells-and-class-i-hazardous-waste-wells>

I hope this info is helpful!

Valois

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From: David Ganje [<mailto:davidganje@ganjelaw.com>]

Sent: Saturday, January 13, 2018 10:39 AM

To: Shea, Valois <Shea.Valois@epa.gov>

Subject: Dewey Burdock project

Hello again.

I read the EPA's draft Class V Area Permit for Dewey Burdock. You folks put a lot of work into the draft permit for sure.

I have a couple of questions. You have placed limits on the composition of waste injection material in the permit. I refer to this requirement: The injection of fluids with constituent concentrations above the hazardous waste or radioactive waste concentration limits is prohibited. The injectate shall meet the permit limits set in Part V, Section D.2.a, Table 16.

My questions are as follows. How many permits are presently outstanding in the US in which similar permit limits on constituent concentrations have been issued by the EPA for uranium mines? If there are no relevant

current permits outstanding, could you please provide me the number of any previously issued permits of this type?

If you do not have this information readily available, would you please consult with your agency and provide me the information? Thanks much for your cooperation.

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